

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RANDALL E. LUCAS,)	
)	Civil Action No. 04 - 60J
Plaintiff,)	
)	Judge Kim R Gibson /
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
UNITED STATES BUREAU OF PRISONS)	
AND ITS EMPLOYEES,)	
)	
Defendants.)	

MEMORANDUM ORDER

The above captioned case was initiated by the filing of a Motion to Proceed *In Forma Pauperis* (doc. no. 1) on March 25, 2004, and was referred to United States Magistrate Judge Lisa Pupo Lenihan on April 13, 2004 for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Magistrate Judge Lisa Pupo Lenihan filed a Report and Recommendation on November 2, 2007 (doc. no.53), recommending that Defendants' Motion to Dismiss Complaint or, in the Alternative, Motion for Summary Judgment (doc. no. 45) be granted. Plaintiff filed Objections to the Report and Recommendation on November 13, 2007 (doc. no. 54). Plaintiff's objections do not undermine the recommendation of the Magistrate Judge.

After review of the pleadings and documents in the case, together with the Report and Recommendation, and the Objections thereto, the following order is entered:

AND NOW, this 19th day of December, 2007;

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss Complaint or, in the Alternative, Motion for Summary Judgment (doc. no. 45) is **GRANTED**.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 53) of Magistrate Judge Lenihan dated November 2, 2007, is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

Kim R. Gibson
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

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